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Date: February 22, 2005

Fax number: 703-872-9306

To: Examiner Barbara Summons

Total pages: 4

From: Ian Hardcastle

Subject: US Patent Application 10/699,289
Attorney Docket: 10030669-1
Filed: October 30, 2003

Enclosed is the an Amendment in response to the Office Action dated January 28, 2005.

Respectfully submitted,

Ian Hardcastle
Reg. No. 34,075

NOTICE

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10030669-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John D Larson III

Serial No.: 10/699289

Examiner: Barbara Summons

Filing Date: October 30, 2003

Group Art Unit: 2817

Title: Stacked Bulk Acoustic Resonator Band-Pass Filter With Controllable Pass Bandwidth

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond
☐ New fee as calculated below ☐ Supplemental Declaration
☒ No additional fee (Address envelope to "Mail Stop Amendments")
☐ Other: (Fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	25	MINUS	30	= 0	X 50	\$ 0
INDEP. CLAIMS	2	MINUS	4	= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 ST MONTH 120.00 <input type="checkbox"/>	2 ND MONTH 450.00 <input type="checkbox"/>	3 RD MONTH 1020.00 <input type="checkbox"/>	4 TH MONTH 1590.00 <input type="checkbox"/>		\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date of facsimile: February 22, 2005

Typed Name: Linda A. Imura

Signature: 

Respectfully submitted,

John D Larson III

By


Ian Hardcastle
Attorney/Agent for Applicant(s)

Reg. No. 34,075

Date: February 22, 2005

Telephone No. 650 485 3015

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I hereby certify that this correspondence is being transmitted via facsimile
to the Commissioner for Patents at (703) 872 9306 on 22 February 2005.

By Linda A. Jimura Date 2/22/05
Linda A. Jimura

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): John D. Larson III et al.

Group Art Unit: 2817

Serial No.: 10/699,289

Examiner: Barbara Summons

Filed: 30 October 2003

Title: *Stacked Bulk Acoustic Resonator Band-Pass Filter with
Controllable Pass Bandwidth*

Atty Docket: 10030669-1

ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria
VA 22313-1450

Sir:

In response to the Official Action dated 28 January 2005, the applicants elect
Invention I with traverse. Claims 1-25 read on Invention I.

The election is with traverse on the grounds that the official action does not set
forth proper *prima facie* cases of distinctness with respect to Inventions I and II.

The official action alleges that Inventions I and II are distinct because "the process
for using the product can be practiced with another materially different product that does
not included "a stacked pair" of resonators. The applicants respectfully traverse this
allegation. Claim 26 of Invention II recites in part "providing a pair of film bulk acoustic

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resonators (FBARs)" and "coupling less acoustic energy between the FBARs than would be coupled by direct contact between the FBARs." The applicants therefore respectfully submit that the invention claimed in claim 25 cannot be practiced "with another materially different product that does not include "a stacked pair" of resonators," as alleged in the official action.

The official action additionally alleges that the product can be used to practice a different process not including "filtering the input electrical signal with a second pass bandwidth narrower than the first pass bandwidth." The applicants note that the quoted language comes from claim 27, which depends on claim 26. This language does not appear in all of the claims to Invention II.

Accordingly, the applicants respectfully submit that the official action does not set forth a proper prima facie case of distinctiveness with respect to Inventions I and II.

The applicants believe that the application as now amended is in condition for allowance, and respectfully request such favorable action. If any matters remain outstanding in the application, the Examiner is respectfully invited to telephone the applicants' attorney at (650) 485-3015 so that these matters may be resolved.

Respectfully submitted,

John D. Larson III et al.

By: 

Ian Hardcastle
Reg. No. 34,075

Dated: 050222

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